

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

<p>THERESA TRAN, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>John Doe, et al.</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:22-cv-06478 Honorable Joan B. Gottschall</p>
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**CLAIMANT MARIJA VELKOVA’S CLAIM IN RESPONSE TO COMPLAINT IN
ADMIRALTY FOR EXONERATION FROM OR LIMITATION OF LIABILITY**

NOW COMES the Claimant, MARIJA VELKOVA, by and through her attorneys, HORWITZ, HORWITZ & ASSOCIATES LTD., and subject to a forthcoming motion to stay this proceeding and lift the injunction against the further prosecution of her action against THERESA TRAN and CHICAGO AQUALEISURE, LLC, now pending in the Circuit Court of Cook County, Illinois, files this Claim in response to the Complaint in Admiralty for Exoneration From or Limitation of Liability, and states as follows:

1. Pursuant to this Court’s Order Restraining All Suits and Directing Monition to Issue entered on November 28, 2022, and in accordance with Supplemental Rule F(5) for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, Claimant Marija Velkova files this claim for injuries and damages arising out of, resulting from, or in any manner connected with the occurrence on August 13, 2022, which the Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC’s Complaint seeks exoneration from of limitation of liability.

2. In filing her Claim, Answer, and Affirmative Defenses, Claimant reserves all rights to pursue all available claims in the fora of her choosing for resolution of any and all

issues beyond the exclusive jurisdiction of this Admiralty Court, and to have such claims and related damages tried to a jury, including her cause of action filed on November 14, 2022 in the Circuit Court of Cook County, Illinois County Department Law Division, *Marija Velkova v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-010139, as provided for by the Savings to Suitors Clause in 28 U.S.C. § 1333 and all state law remedies.

3. That on or about November 14, 2022, Claimant Marija Velkova filed suit in the Circuit Court of Cook County, Illinois against Theresa Tran, Chicago AquaLeisure, LLC, and Joseph Neverauskas, in the matter of *Marija Velkova v. Joseph Neverauskas, et al.*, No. 2022-L-010139 (Cook Cty. Cir. Ct.), attached hereto as Exhibit A.

4. That Claimant states, adopts, and incorporates by reference the material allegations from her Complaint filed on November 14, 2022, against Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC, in the Circuit Court of Cook County, Illinois, County Department Law Division, *Marija Velkova v. Joseph Neverauskas, Theresa Tran, Chicago AquaLeisure, LLC*, No. 2022-L-010139, as if fully stated herein.

5. As set forth in Claimant's Complaint, it is alleged that one or more acts or omissions constituting legal misconduct of the Plaintiffs-in-Limitation, both directly and indirectly, individually and by through their agents, employees, and servants, was a direct and proximate cause of said occurrence and Claimant's personal injuries as set forth in Claimant's Complaint.

6. Further, it is alleged that Plaintiffs-in-Limitation had privity and knowledge of their direct negligent conduct and/or the negligent conduct of their agents, actual or apparent, employees, and/or servants, which caused or contributed to the cause the occurrence and Claimant's injuries and damages.

7. Further, upon information and belief, it is alleged that said vessel/boat prior to and/or during all relevant times, was unseaworthy, not tight, not staunch, not strong, improperly and/or inadequately manned, improperly and/or inadequately equipped, improperly and/or inadequately supplied, and/or defective, and in all material respects, unfit for the operational service for which it was engaged, and at all times material, Plaintiffs-in-Limitation, both directly and indirectly, by and through their agents, actual or apparent, employees, and/or servants, had privity and knowledge of said vessel/boat's unseaworthiness, further, that Plaintiffs-in-Limitation (a) failed to adequately inspect, maintain and/or repair said vessel/boat, (b) failed to establish and/or institute adequate inspection, maintenance, and/or repair procedures to assure said vessel/boat's equipment was maintained in good operating condition, (c) failed to establish and/or institute adequate procedures for various functions of said boat/vessel; (d) failed to require or provide said vessel/boat with an adequate crew, and/or (e) failed to adequately train and/or supervise their agents, actual or apparent, servants, and/or employees, of which were within the privity and knowledge of Plaintiffs-in-Limitation.

8. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of Plaintiffs-in-Limitation constituting legal misconduct of the Plaintiffs-in-Limitation, and/or the unseaworthiness of said boat/vessel, Claimant Marija Velkova sustained severe and permanent injuries, both internally and externally, and was and will be in the future hindered and prevented in whole or in part from attending to usual duties and affairs, and has lost and in the future will lose, the value of that time, and has suffered a loss of earning capacity, as aforementioned. Further, that Plaintiff also suffered great pain and anguish both in mind and body, and will in the future continue to so suffer. Moreover, Plaintiff further expended and

became liable for and will the future expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

9. That Claimant seeks all damages recoverable by law.

10. That Claimant hereby respectfully demands a trial by jury on all issues so triable or, in the alternative, if this Court finds Plaintiffs-in-Limitation action not triable of right by a jury, then Claimant otherwise reserves her right to move this Court on motion at a later time to try all issues with an advisory jury.

WHEREFORE, Claimant prays that this Honorable Court enter judgment in favor of Claimant Marija Velkova and against Plaintiffs-in-Limitation Theresa Tran and Chicago AquaLeisure, LLC, in a dollar amount that fairly and justly compensates Claimant for her injuries and damages, plus the costs of this action, and such additional amounts or other and further relief as this Court may deem fair and just under the circumstances.

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